

SECURITY

RELEASE OF CLASSIFIED INTELLIGENCE MATERIAL TO U.S. CONTRACTORS

1. PURPOSE: To establish Department of Defense (DoD) policy and procedures for the release of non-Sensitive Compartmented Intelligence (SCI) material to U.S. contractors.

2. REFERENCES:

a. DCID No. 1/7, "Control of Dissemination of Foreign Intelligence," 8 August 1975.

b. Director of Central Intelligence Policy on Release of Foreign Intelligence to Contractors, 12 March 1976.

c. DIAR 50-20, "Visits of Contractor Personnel to DIA.

d. DoD 5220.22R, "DoD Industrial Security Regulation (DODISR)," April 1975.

e. DoD 5200.22M, "DoD Industrial Security Manual (DODISM)," April 1975.

3. APPLICABILITY: This regulation applies to the Military Departments, the Unified and Specified Commands, the DIA and other DoD components.

4. AUTHORITY: This publication provides guidance to all DoD components and is issued under the authority delegated in DoD Directive 5105.21, "Defense Intelligence Agency," and amplified in the Defense Intelligence Plan by the Secretary of Defense to the Director, Defense Intelligence Agency.

5. DEFINITIONS. Terms defined herein which are followed by (JCS) have been approved for United States Joint Service usage.

a. *Eligible Contractor.* Any industrial, educational, commercial, or other entity which has executed a DD Form 441 (Department of Defense Security Agreement) with a DoD agency or activity in accordance with reference 2.d and which requires

access to classified intelligence material in connection with classified procurement needs of a DoD element or agency.

b. *Need-to-Know.* See ICS Pub. 1.

c. *Office of Primary Interest (OPI).*

(1) The designated office of the Military Service or National Foreign Intelligence Board (NFIB) member which produces the document.

(2) Within the DIA, each Deputy Director or equivalent office under the Command Element of the DIA whose organizational entity originated the intelligence material in question, or, the DIA entity which assumed the pertinent functions of an Army, Navy, or Air Force entity which originated the document; or the Deputy Director or equivalent office whose assigned functions most clearly correspond to the material in question.

d. *Release.* The oral, visual, or physical disclosure of classified intelligence.

e. *Releasing Agencies.* The DoD offices and agencies to which the Director, DIA, has delegated authority to release classified intelligence material to their contractors, as well as those Military Service offices and agencies to which authority to release has been delegated by the Assistant Chiefs of Staff for Intelligence, Army, and Air Force, and the Director of Naval Intelligence.

6. SUPERSESSION. This regulation supersedes DIAR 50-1, 8 December 1975. Black lines in the margin indicate changes.

7. POLICY:

a. Nothing in this regulation will supersede or augment the requirements pertaining to the control, use, and dissemination of Restricted Data, Formerly

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Restricted Data, or Sensitive Compartmented Information (SCI) made by or under existing statutes, directives, or Presidential policy.

b. The Assistant Chiefs of Staff for Intelligence, Army and Air Force, and the Director of Naval Intelligence have final authority for release to contractors of intelligence material originated by their Services. Further, they have final authority within their Departments for release of intelligence originated by other NFIB members as long as such information does not bear the markings "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR (ORCON)," "NOT RELEASABLE TO CONTRACTORS _____ OR CONTRACTOR/CONSULTANTS (NOCONTRACT)," or "CAUTION - PROPRIETARY INFORMATION INVOLVED (PROPIN)" and they insure that such releases are in accordance with this regulation and references in paragraph 2.

c. The officials listed below are authorized to release intelligence information not bearing the markings ORCON, NOCONTRACT or PROPIN to their contractors and will insure such release is in accordance with this regulation and the references in paragraph 2.

Director of Defense Research and Engineering

Assistant Secretary of Defense (Comptroller)

Assistant Secretary of Defense (Installations & Logistics)

Director of Defense Intelligence

Assistant Secretary of Defense (International Security Affairs)

Chairman, Joint Chief of Staff

Director, Defense Advanced Research Projects Agency

Director, Weapons Systems Evaluation Group

Director, Defense Communications Agency

Director, Defense Nuclear Agency

Director, Defense Mapping Agency

Director, Defense Supply Agency

Director, Defense Contract Audit Agency

The CINC's (as listed in distribution)

d. Any release of information bearing the ORCON, NOCONTRACT or PROPIN markings must be effected in accordance with paragraph 8.

e. Within DIA, each Deputy Director or equivalent office is authorized to release to its contractors any information (except that information specified in paragraph 7a.) for which it is the OPI.

f. Release of intelligence material to contractors of the Arms Control and Disarmament Agency will be in accordance with DIAR 55-8, "Intelligence Support for the Arms Control and Disarmament Agency."

g. Contractor personnel will not be authorized access to the DIA Library (RDS-3).

h. The following documents will not be released to contractors:

- (1) National Intelligence Estimates
- (2) Special National Intelligence Estimates
- (3) National Intelligence Analytical Memoranda
- (4) Interagency Intelligence Memoranda
- (5) The DIA Fact Book

8. PROCEDURES:

a. All releases will be in accordance with the DoD Industrial Security Regulation, the DoD Industrial Security Manual, and the following additional requirements:

(1) The releasing agency will maintain a record of all intelligence materials provided a contractor.

(2) The releasing agency must insure that, in any case involving the release of CIA-originated information, the CIA seal, the phrase "Directorate of Operations," the place acquired, the field number, and the source description have been deleted from all CIA Directorate of Operations reports released to contractors, unless prior approval to release such information was obtained from the CIA.

b. The contracting officer will include the

following requirements in any contract involving the release of intelligence information:

(1) The contractor will maintain accountability for all intelligence material released to his custody (to include CONFIDENTIAL information).

(2) The contractor may not reproduce intelligence material without written permission from the releasing agency and, if permission is granted, all copies will be controlled in the same manner as the originals.

(3) The contractor will not destroy any intelligence information (to include CONFIDENTIAL information) without the approval of the releasing agency.

(4) The contractor must restrict access to only those individuals who possess the necessary security clearance and who are actually providing services under the contract. Further dissemination, to include subcontractors or other Government agencies, is prohibited unless authorized in writing by the releasing agency.

(5) Intelligence information will not be released to foreign nationals or to immigrant aliens, regardless of their level of security clearance, without written permission from the originator.

(6) The contractor will insure that each individual having access to intelligence information is fully aware of the special security requirements involved and will maintain records of the names of each individual who has had such access.

c. The contracting office will furnish the cognizant Defense Contract Administration Services Region a copy of the contract security requirements in order that they may inspect for compliance.

d. Any information marked "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR (ORCON)," "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS (NOCONTRACT)," or "CAUTION - PROPRIETARY INFORMATION INVOLVED (PROPIN)" requires written permission of the originator prior to release to a contractor. The

following procedures apply to requests for such permission:

(1) For DIA documents:

(a) Military Department requests will be processed in accordance with directives issued by the appropriate Service Intelligence Chief and signed by him or by his designee.

(b) Requests from officials listed in paragraph 7.c. will be signed by or for the designated official. For the CINC's, requests will be signed by or for the J-2.

(c) Requests from NFIB agencies/departments will be processed in the same manner as requests from DoD agencies.

(d) Requests will be addressed to Director, DIA, ATTN: CS, and will contain as a minimum:

1 Identification by title and product number of the classified intelligence material required and a statement as to whether the material is locally available to the requesting agency.

2 Name and address of the contractor, certification of the contractor's level of facility clearance, and the safeguarding capability of the facility. The certification will be obtained from the cognizant security office having jurisdiction over the contractor.

3 Contract number under which the study or project is being accomplished.

4 Sufficient description of the study or project to be accomplished by the contractor to enable the OPI to determine the need for the intelligence material requested. Explanation should include sufficient detail to confirm the contractor's need-to-know.

(e) The DIA OPI will analyze such requests and prepare replies for the signature of the Deputy Director or equivalent office concerned.

(f) Release of ORCON, NOCONTRACT, or PROPIN publications are one-time actions. Revised

editions of publications with these control markings require similar release requests. The DIA does not include contractors on distribution lists for intelligence products, whether or not those products bear restrictive caveats.

(2) For non-DIA documents:


(a) The intelligence components of the Military Departments process requests directly to the NFIB member concerned for release authorization for classified intelligence material produced by those members.

(b) DoD officials listed in paragraph 7.c, will process requests through DIA (RDS-3). Such requests will contain the information required by paragraph 8.d(1)(d).

(c) Documents bearing the superseded marking CONTROLLED DISSEM will be handled in accordance with the procedures for "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS (NOCONTRACT)." Documents bearing the marking WARNING NOTICE - SENSITIVE SOURCES AND METHODS INVOLVED and dated prior to 5 October 1975 will be processed in accordance with the provisions of paragraphs 7.b and c.

BY ORDER OF THE DIRECTOR:

OFFICIAL:


WILLIAM R. HUGGINS
Colonel, USA
Chief, Services Division

BOBBY J. BERRY
Colonel, USAF
Chief, Coordination Staff

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